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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/844,997 | 04/27/2001 | Shoji Kurakake | 10745/14 | 1384 |

7590

08/25/2005

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EXAMINER

OSMAN, RAMY M

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,997

Applicant(s)

KURAKAKE ET AL

Examiner

Ramy M. Osman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 and 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This communication is responsive to RCE amendment filed on May 23, 2005. Applicant amended claims 1,3,21 and 23. Claim 33 was newly added. Claims 1-33 are pending.

Claim Objections

2. Examiner withdraws objections to claim 1.

Claim Rejections - 35 USC § 112

3. Examiner withdraws 112 second paragraph rejection of claims 1 and 3-5.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1,2,6,7,21,22,26 and 27 rejected under 35 U.S.C. 102(b) as being anticipated by Wood (US Patent No 5,412,375).**

6. In reference to claim 1, Wood teaches a communication system that utilizes a plurality of network-access measures comprising:

a communication device operable to connect to a network using at least one of the plurality of network-access measures (column 1 lines 45-60 and column 2 lines 15-22);

a server located remotely from the communication device, the server being operable to connect to the communication device to provide the communication device with available network-access measures (Figure 4 ref #43 and column 2 lines 15-45);

wherein the server determines the available network-access measures for a location of the communication device and the communication device is configured to select at least one of the available network-access measures according to a task that the communication device performs (column 1 lines 45-60, column 2 lines 25-53, column 3 lines 34-60 and column 4 lines 14-26).

7. In reference to claim 2, Wood teaches the communication system of claim 1 wherein the server comprises:

a database to store the plurality of network-access measures (Figure 4 ref #43); and
an informing device to inform the communication device of a search result of the available network-access measures (column 2 lines 25-53 and column 3 lines 34-60).

8. In reference to claim 6, Wood teaches the communication system of claim 2 wherein the server further comprises:

an update mechanism to update information regarding the available network-access measures when the communication device changes its location; wherein the informing device further informs the communication device of the updated available network-access measure information (column 3 lines 34-60 and column 4 lines 14-27, Wood discloses obtaining a list of compatible access measures and dynamic allocation of resources at a base site This inherently allows the device to change its location and still obtain access measures).

9. In reference to claim 7, Wood teaches the communication system of claim 1 wherein the server comprises:

an update mechanism to update information regarding the available network-access measures when the communication device changes its location; and an informing device for informing the communication device of the updated available network-access measure information (column 3 lines 34-60 and column 4 lines 14-27).

10. In reference to claim 21, Wood teaches a communication system that utilizes a plurality of network-access measures comprising:

a communication device operable to connect a network using at least one of the plurality of network-access measures (column 1 lines 45-60 and column 2 lines 15-22);

a server located remotely from the communication device, the server being operable to connect to the communication device to provide the communication device with available network-access measures (Figure 4 ref #43 and column 2 lines 15-45);

wherein the communication device connects to the server by using a default-access measure for query of the available network-access measures at the server and the communication device is configured to select at least one of the available network-access measure according to required networking qualities (column 1 lines 45-60, column 2 lines 25-53, column 3 lines 34-60 and column 4 lines 14-26).

11. In reference to claim 22, Wood teaches the communication system of claim 21 wherein the server comprises: a database to store the plurality of network-access measures (Figure 4 ref #43); and an informing device to inform the communication device of a search result of the available network-access measures (column 2 lines 25-53 and column 3 lines 34-60).

12. In reference to claim 26, Wood teaches the communication system of claim 22 wherein the server further comprises:

an update mechanism to update information regarding the available network- access measures when the communication device changes its location; wherein the informing device further informs the communication device of the updated available network-access measure information (column 3 lines 34-60 and column 4 lines 14-27, Wood discloses obtaining a list of compatible access measures and dynamic allocation of resources at a base site This inherently allows the device to change its location and still obtain access measures).

13. In reference to claim 27, Wood teaches the communication system of claim 21 wherein the server comprises:

an update mechanism to update information regarding the available network-access measures when the communication device changes its location; and an informing device for informing the communication device of the updated available network-access measure information (column 3 lines 34-60 and column 4 lines 14-27).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 3-5 and 23-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Wood (US Patent No 5,412,375) in view of Ginzboorg et al (US Patent No 6,047,051).**

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16. In reference to claims 3-5 Wood teaches the system of claim 2 above, including the possibility of authorized features (column 3 lines 5-10). Wood fails to explicitly teach wherein the database further stores authentication-key information for allowing authorized access to the network, from a service provider and informs the communication device. However, Ginzboorg teaches a service provider sending keys to a server for storage and transmittal to customer terminals (mobile terminals) for the purpose of authorizing certain terminals for network access (column 4 lines 1-25 and column 14 lines 45-67).

It would have been obvious for one of ordinary skill in the art to modify Wood by providing keys to the communication devices as per the teachings of Ginzboorg for the purpose of authorizing certain terminals for network access.

17. In reference to claims 23-25 Wood teaches the system of claim 22 above, including the possibility of authorized features (column 3 lines 5-10). Wood fails to explicitly teach wherein the database further stores authentication-key information for allowing authorized access to the network, from a service provider and informs the communication device. However, Ginzboorg teaches a service provider sending keys to a server for storage and transmittal to customer terminals (mobile terminals) for the purpose of authorizing certain terminals for network access (column 4 lines 1-25 and column 14 lines 45-67).

It would have been obvious for one of ordinary skill in the art to modify Wood by providing keys to the communication devices as per the teachings of Ginzboorg for the purpose of authorizing certain terminals for network access.

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18. Claims 8,9,15,16 and 28-33 rejected under 35 U.S.C. 103(a) as being unpatentable over Wood (US Patent No 5,412,375) in view of Minear et al (US Patent No 6,721,578).

19. In reference to claims 8 and 9, Wood teaches the communication system of claim 1.

Wood fails to explicitly teach wherein the server provides the communication software programs to the communication device. However, Minear teaches a server providing interactive software (communication software) to a wireless device for facilitating network access (Abstract and column 3 line 55 – column 4 line 15).

It would have been obvious for one of ordinary skill in the art to modify Wood by making the server provide the communication software programs to the communication device as per the teachings of Minear so as to facilitate network access.

20. In reference to claim 15, Wood teaches the communication system of claim 1. Wood fails to explicitly teach wherein the server further comprises an information server and a download server, wherein the information server provides information to the communication device concerning information of the download server for downloading at least one software programs from the download server. However, Minear teaches a server providing interactive software (communication software) to a wireless device for facilitating network access to an application download server (column 1 line 65 – column 2 line 50, column 2 lines 16-30 and column 4 line 60 – column 5 line 20).

It would have been obvious for one of ordinary skill in the art to modify Wood by making the server further comprises an information server and a download server, wherein the information server provides information to the communication device concerning information of the download server for downloading at least one software programs from the download server

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as per the teachings of Minear so as to facilitate network access to an application download server.

21. In reference to claim 16, Wood teaches the communication system of claim 15. Wood fails to explicitly teach wherein the download server provides communication software programs to the communication device. However, Minear teaches wherein the application download server provides software to a wireless device (column 1 line 65 – column 2 line 50, column 2 lines 16-30 and column 4 line 60 – column 5 line 20).

It would have been obvious for one of ordinary skill in the art to modify Wood by making the download server provide communication software programs to the communication device as per the teachings of Minear so as to facilitate network access.

22. In reference to claims 28 and 29, Wood teaches the communication system of claim 21. Wood fails to explicitly teach wherein the server provides the communication software programs to the communication device. However, Minear teaches a server providing interactive software (communication software) to a wireless device for facilitating network access (Abstract and column 3 line 55 – column 4 line 15).

It would have been obvious for one of ordinary skill in the art to modify Wood by making the server provide the communication software programs to the communication device as per the teachings of Minear so as to facilitate network access.

23. In reference to claims 30 and 31, Wood teaches the communication system of claim 21. Wood fails to explicitly teach wherein the server further comprises an information server and a download server, wherein the information server provides information to the communication device concerning information of the download server for downloading at least one software

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programs from the download server. However, Minear teaches a server providing interactive software (communication software) to a wireless device for facilitating network access to an application download server (column 1 line 65 – column 2 line 50, column 2 lines 16-30 and column 4 line 60 – column 5 line 20).

It would have been obvious for one of ordinary skill in the art to modify Wood by making the server further comprises an information server and a download server, wherein the information server provides information to the communication device concerning information of the download server for downloading at least one software programs from the download server as per the teachings of Minear so as to facilitate network access to an application download server.

24. In reference to claim 32, Wood teaches the communication system of claim 31. Wood fails to explicitly teach wherein the download server provides communication software programs to the communication device. However, Minear teaches wherein the application download server provides software to a wireless device (column 1 line 65 – column 2 line 50, column 2 lines 16-30 and column 4 line 60 – column 5 line 20).

It would have been obvious for one of ordinary skill in the art to modify Wood by making the download server provide communication software programs to the communication device as per the teachings of Minear so as to facilitate network access.

25. In reference to claim 33, Wood teaches the communication system of claim 1. Wood fails to explicitly teach wherein the task comprises at least one of web browsing, video conferencing and database accessing. However, Minear teaches interactive screens for wireless devices to

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allow them to browse the web or access databases, for the purpose of providing customized interfaces (Summary).

It would have been obvious for one of ordinary skill in the art to modify Wood wherein the task comprises at least one of web browsing, video conferencing and database accessing as per the teachings of Minear for the purpose of providing web interfaces and providing customized interfaces.

Response to Arguments

26. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008.


The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO
August 18, 2005


ABDULLAH SALA
Primary Examiner